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7

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 PHUONG L. HO,	)	
13 Plaintiff,	)	CIVIL NO. 06-02067 WHA
14 v.	)	STIPULATION AND ORDER
15 JO ANNE B. BARNHART,	)	APPROVING COMPROMISE
16 Commissioner of Social Security,	)	SETTLEMENT OF ATTORNEY
17 Defendant.	)	FEES PURSUANT TO THE EQUAL
	)	<u>ACCESS TO JUSTICE ACT</u>

18 The plaintiff's attorney having met the criteria of L.R. 54-6, by meeting and conferring with  
19 defendant, IT IS HEREBY STIPULATED by and between the parties through their undersigned  
20 counsel, subject to approval by the Court, that plaintiff's attorney receive the following payment:

21 1. Defendant shall pay FIVE THOUSAND DOLLARS (\$5,000.00), pursuant to the Equal  
22 Access to Justice Act (EAJA), for attorney fees incurred in this court action. The check is to be  
23 payable to plaintiff's counsel:

24 SARAH BOTZ  
25 THE BERNSTEIN LAW GROUP  
26 ONE EMBARCADERO CENTER, STE 2440  
27 SAN FRANCISCO, CA 94111  
28 (415) 765-6633; FAX 283-4804  
sbotz@blgrp.com

2. This is a settlement of plaintiff's request for attorney fees pursuant to EAJA, and does not  
constitute an admission of liability or fault on the part of defendant under the Equal Access to Justice

1 Act.

2 3. Payment of the FIVE THOUSAND DOLLARS (\$5,000.00), pursuant to the Equal Access  
3 to Justice Act (EAJA), EAJA fees incurred in this court action, will constitute a complete release  
4 from and bar to any and all claims, rights, causes of action, liens or subrogated interests relating to  
5 attorney fees pursuant to the EAJA, or costs as a result of this court action.

6  
7  
8 Dated: November 1, 2006

/s/  
SARAH BOTZ  
Attorney for Plaintiff

11 KEVIN V. RYAN  
12 United States Attorney

14 Dated: November 15, 2006

By: /s/  
SARA WINSLOW  
Assistant United States Attorney

17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

18  
19  
20  
21 Dated: November 16, 2006

  
WILLIAM ALSUP  
United States District Judge